



## Staff Report

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**Report To: Council Meeting**

**From: Terri Towstiuc, Clerk**

**Date: 2024-04-25**

**Subject: Clerks Report - May 2024 Backyard Chicken Update - 2024-21-Clerks.docx**

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### **Recommendation:**

That West Elgin Council hereby receives the report from Terri Towstiuc, Clerk Re: Residential Backyard Chickens; And

**Option 1:** That Council direct staff to prepare an online survey, to gauge residents' interest for backyard chickens within residential areas, within the Municipality.

**OR**

**Option 2:** That Council direct the Clerk to work with the necessary departments, to establish the required policies and procedures to allow Residential Backyard Chickens.

### **Purpose:**

The purpose of this report is to provide information to West Elgin Council regarding options for residential backyard (urban) chicken allowance and regulations.

### **Background:**

May 27, 2021: That West Elgin Council hereby direct staff that consideration of residential/backyard chickens be undertaken as part of the review of the Comprehensive Zoning By-law.

March 14, 2024: Whereas egg laying Hens in residential areas can assist in reducing food scraps, produce a natural fertilizer, rid unwanted garden pests, assist with composting and provide fresh, free-range eggs; And Whereas the rising cost of living and food insecurities continues to burden many residents; And Whereas West Elgin initially declined to allow residents the opportunity egg laying hens in residential areas; And Whereas many Ontario municipalities have successfully completed a "Backyard Chicken" Pilot Project, with continuation of the program after program success; Therefore, West Elgin Council hereby direct staff to investigate the process to allow residents to have egg laying hens in residential areas within the Municipality, and report back at an upcoming meeting of Council.

Over time, urban farming has increased in popularity and while most may consider community and backyard gardens the primary source of urban farming, backyard chicken coops on a small scale are included. Urban farming generally promotes education, food safety, the concept of local organic self-

sustaining food production as a method to address food insecurity and the ability to provide a personal food source.

The benefits in allowing backyard chickens in residential areas include:

- Residents can grow and raise healthy food.
- Chickens provide pest control of bugs such as flies, slugs, ticks and grasshoppers.
- Chickens will reduce landfill waste by eating food scraps.
- Chickens provide organic fertilizer for gardens.
- Chickens provide opportunity socially and through education to establish connections with others who seek to understand what is needed to raise the animals in a residential setting.

Backyard Chickens also pose a risk and have potential negative impacts:

- Infectious disease transfers to humans living in close proximity.
- Greater potential to exposure to wild bird populations increasing the risk of avian disease transfers to society-sustaining agricultural flocks.
- Manure and deadstock disposal challenges – risk of residents placing deadstock in their regular weekly garbage.
- Odor and noise conflicts with nearby urban neighbours.

### **Health and Biosecurity**

Avian Influenza is a risk for backyard chicken coop owners - The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) offers information that will assist backyard chicken coop owners regarding health and wild bird migration season. Migration season increases the risk for highly pathogenic avian influenza (HPAI) which can cause severe illness and death in all domesticated birds. Backyard chicken coop owners must be diligent in protecting their chickens to avoid disease transfer to humans or larger local farming operations in the Ontario poultry industry. Staff provide educational and information links on the municipal webpage that provide links to how to prevent and detect disease in backyard flocks and pet birds and how to raise healthy small flock poultry.

### **Other Considerations**

- Lot sizes – generally residential lots are smaller than those in agricultural zones. What size is appropriate to house residential/backyard chickens? Some municipalities who had pilot programs limited the number of chickens proportionally to the size of the lot, others restrict allowing chickens to lots 500 m<sup>2</sup> or greater. Some municipalities require an inspection of the lot and coop prior to issuing a license.
- Neighbour disputes – Many dog complaints are a result of neighbour disputes, which do not fall within the scope of municipal by-law enforcement, however, they consume a significant amount of By-law enforcement time.
- Locations, size, and setbacks for coops – municipalities that permit residential/backyard chickens have restrictions typical to other zoning requirements, such as setbacks from lot lines, lot coverage and the size of any accessory structure (Coop and run).
- Prohibitions – all municipalities prohibit roosters in residential areas; almost all also prohibit slaughtering of residential/backyard chickens and prohibit the sale of eggs.
- Animal control – how do we ensure the safe and ethical treatment of animals? Animal control is not able to house abandoned or maltreated birds.

- By-law Enforcement – Currently, our By-law Officer is only in the office one day per week (Tuesdays)
- *Protection of Livestock and Poultry from Dogs Act* must be considered. A recent claim required the Municipality to compensate a resident \$730.00 for the kill of their ducks/geese. While this claim will be recuperated from the dog owner, this may not always be the case if the dog and/or owner is not known.

### **Building Department Comment**

Potential issues could be construction of chicken coops/shelters etc.

- If they exceed 10sq.m. then permits are required. The new provision for 15sq.m in the OBC is clearly stated as being for sheds.
- Possible zoning concerns as these things pop up too close to property lines. Zoning is difficult and costly to enforce.
- Fencing – anything specific to contain them?

### **Planning Department Comment**

- The keeping of domestic livestock in an agricultural setting has good regulations as it deals with anything over 5 nutrient units which can be anything from 5 cows to 500 laying hens. In addition, there are also nutrient (manure) management standards so that someone is not overusing nutrients on any given parcel. These standards have been improved and monitored over many years through OMAFRA.
- Rural residential settings where domestic livestock is kept can also work but usually is for anything under 5 nutrient units (West Elgin has a specific limitation on type and number on an A3 lot) these lots are also 1 acre in size or more. It also works better if the lots are not in a cluster or near urban settings.
- Early land use centered around sanitation in urban environments; there was very little consideration given to the impact of keeping animals and just throwing human waste in the streets.
- Chickens are disease carrying animals and they often carry things that start in rodents then get passed along to humans. Avian flu is one of many.
- The goal of land use planning is to avoid mixing uses that create the potential for compatibility issues.
- Enforcement resources are very limited, especially in small rural communities, and are they best focused on policing chickens?

### **Summary:**

In summary, while we can allow residential/backyard chickens, to be successful stringent regulation would be needed. Regulation requires enforcement staff to manage complaints from neighbours and to ensure the well-being of the birds. In addition, the municipality would have to ensure that eggs aren't sold, that slaughter and the disposal regulations are followed, along with ensuring the disposal of the manure is handled appropriately.

At this time, the municipality isn't set up to manage these requirements and this needs to be taken into consideration before embarking on a change to the Zoning By-law and a licensing program. A public engagement process could gauge interest in the licensing of such a program.

**Financial Implications:**

Licensing fees for allowing residential/backyard chickens are the only way to recoup the administration and enforcement costs for such a program.

The largest costs would be for administration of a licensing program for inspections, determining lot size, location of accessory buildings and for enforcement of noise and mitigating neighbour disputes. It is likely that By-law Enforcement hours will need to be increased.

**Policies/Legislation:**

*Municipal Act, 2001*

*Planning Act, 1990*

*Protection of Livestock and Poultry from Dogs Act, 1990*

West Elgin Comprehensive Zoning By-law 2015-36

West Elgin Animal Control By-law 2023-80

**Alignment with Strategic Priorities:**

<b>Infrastructure Improvement</b>	<b>Recreation</b>	<b>Economic Development</b>	<b>Community Engagement</b>
<input type="checkbox"/> To improve West Elgin's infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input checked="" type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,

Terri Towstiuc

Clerk